



09/905,189

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|------------------------------------------------------------|-----------------|--------------|
| Applicant: | WEI ET AL. | Examiner: | J. PAK |
| Serial No.: | 09/905,189 | Group Art Unit: | 1616 |
| Filed: | JULY 13, 2001 | Docket No.: | 163.1438US01 |
| Title: | <i>IN SITU</i> MONO- OR DIESTER DICARBOXYLATE COMPOSITIONS | | |

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 25, 2002.

By:

Name: Sheryl A. Boerboom

RESPONSE TO SPECIES ELECTION REQUIREMENT

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Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action in the form of a Species Election Requirement that was mailed on September 23, 2002. The Examiner asserted that the claims are generic to a plurality of disclosed patently distinct species comprising mono or diester dicarboxylates, such as monomethyl malonate or dihexyl succinate. The Examiner required Applicants to elect a single disclosed species, even though this requirement is traversed.

Applicants respectfully traverse this requirement. Applicants respectfully submit that in searching for compositions of hydrogen peroxide and any single mono-or-diester dicarboxylate, the Examiner will encounter the entire range of claimed mono-or-diester dicarboxylates. Therefore, it is respectfully asserted that searching the present claims presents no undue burden.

Nonetheless, should the Examiner maintain the species election requirement, Applicants elect the species of sebacic acid esters for searching at this time. Applicants respectfully submit that in searching for any particular sebacic acid esters, the Examiner will search the entire range of sebacic acid esters. Therefore, it is respectfully submitted that searching all sebacic acid esters presents no undue burden.

Should the Examiner required the election of a single sebacic acid esters for searching at this time, Applicants elect monomethyl sebacate.

Applicants note that should a generic claim be found allowable, the species election requirement will be withdrawn.

Petition for Extension of Time

It is noted in a one-month petition for extension of time is necessary to provide for timeliness of the response. A request for such an extension is made extending the time for response from October 23, 2002 to November 23, 2002, which fell on a Saturday, extending the time for response to Monday, November 25, 2002.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date: Nov 25, 2002

Mark T. Skoog
Mark T. Skoog
Reg. No. 40,178
MTS:sab





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WEI ET AL. Examiner: J. PAK
Serial No.: 09/905,189 Group Art Unit: 1616
Filed: JULY 13, 2001 Docket: 163.1438US01
Confirmation No.: 3059
Due Date: NOVEMBER 23, 2002
(SATURDAY)
Title: RESPONSE TO SPECIES ELECTION REQUIREMENT

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, Washington, D.C. 20231 on November 25, 2002.

By: *Sheryl A. Boerboom*
Name: Sheryl A. Boerboom

Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Response to Species Election Requirement
- ☒ Request for Extension of Time for 1 month and fee of \$110.00. **Please charge our Deposit Account No. 13-2725 in the amount of \$110.00 for the extension of time fees.**
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300



By: *Mark T. Skoog*
Name: Mark T. Skoog
Reg. No.: 40,178
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